

## **Declaration and Power of Attorney for Patent Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"Thia-Epothilone Derivatives for the Treatment of Cancer"

the specification of which

☒ is attached hereto.

☒ was filed on November 28, 2003 as United States Application No. or

PCT

Application No. PCT/EP2003/013412

and was amended on \_\_\_\_\_

(if applicable)

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) **EDWARDS & ANGELL, LLP**, P.O. Box 55874, Boston, Massachusetts 02205, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

### **FOREIGN PRIORITY CLAIM**

I hereby claim foreign priority benefits under Title 35, United States Code Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

| Application Number | Country | Date of Filing    | Priority Claimed<br>Under 35 USC 119                                |
|--------------------|---------|-------------------|---|
| 102 55 681.4       | DE      | November 28, 2002 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 103 27 472.3       | DE      | June 18, 2003     | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|                    |         |                   | <input type="checkbox"/> Yes <input type="checkbox"/> No            |

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

| Application Number | Country | Date of Filing |
|--------------------|---------|----------------|
|                    |         |                |
|                    |         |                |
|                    |         |                |

**CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS**

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

☒ no such U.S. provisional applications have been filed.

| Application Number | Date of Filing | Priority Claimed<br>Under 35 USC 119                     |
|--------------------|----------------|--|
|                    |                | <input type="checkbox"/> Yes <input type="checkbox"/> No |
|                    |                | <input type="checkbox"/> Yes <input type="checkbox"/> No |
|                    |                | <input type="checkbox"/> Yes <input type="checkbox"/> No |

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)**

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

X such U.S./PCT application have been filed as follows:

| Application Number | Relationship   | Parent Application | Date of Filing    |
|--------------------|----------------|--------------------|-------------------|
| This Application   | National Stage | PCT/EP2003/013412  | November 28, 2003 |
|                    |                |                    |                   |
|                    |                |                    |                   |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

All practitioners at Customer Number 21874

All of **Edwards & Angell, LLP**, P.O. Box 55874, Boston, Massachusetts 02205, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U.S. Patent and Trademark Office connected therewith.

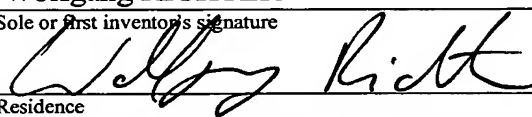
The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from R&D-Biopharmaceuticals GmbH as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.


Please mail all correspondence to Peter F. Corless, whose address is:

**Edwards & Angell, LLP**  
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Boston, Massachusetts 02205

Please direct telephone calls to: Peter F. Corless at (617) 439-4444.

Please direct facsimiles to: (617) 439-4170

|   |                            |
|---|----------------------------|
| Full name of sole or first inventor<br><b>Wolfgang RICHTER</b>  |                            |
| Sole or first inventor's signature<br> | Date<br><i>May 4, 2005</i> |
| Residence<br>Leharstr. 35, 81243 München, Germany   |                            |
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|  |                         |
|--|-------------------------|
| Full name of second inventor, if any<br><b>Lutz WEBER</b>  |                         |
| Second inventor's signature<br> | Date<br><b>4.5.2005</b> |
| Residence<br><b>Edelweißstr. 8, 82110 Germering, Germany</b>   |                         |
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|                                     |      |
|-------------------------------------|------|
| Full name of third inventor, if any |      |
| Third inventor's signature          | Date |
| Residence                           |      |
| Citizenship                         |      |
| Mailing Address                     |      |

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|--------------------------------------|------|
| Full name of fourth inventor, if any |      |
| Fourth inventor's signature          | Date |
| Residence                            |      |
| Citizenship                          |      |
| Mailing Address                      |      |

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|-------------------------------------|------|
| Full name of fifth inventor, if any |      |
| Fifth inventor's signature          | Date |
| Residence                           |      |
| Citizenship                         |      |
| Mailing Address                     |      |